

Fossicking rules and responsibilities Guide

Fossicking is a regulated activity in Queensland and requires a fossicking licence.

This licence allows you to search for and collect fossicking materials for recreational, tourist and educational purposes only.

This guide explains what tools you are allowed to use and where you can fossick. It also explains your responsibilities under fossicking legislation in regards to safety, hygiene and behaviour.

If you have any questions about fossicking, contact the local mining office.

You can receive an on-the-spot fine or be prosecuted if you breach the provisions of your fossicking licence.

Personal protection and safety

Stay safe while fossicking by observing the following principles.

Personal protection

- Wear suitable clothing for the conditions, including a hat and sturdy footwear (shoes or boots).
- Apply sun protection and wear sunglasses.
- Use an insect repellent when appropriate.
- Wear gloves when digging and sieving to avoid wear and tear to the hands.
- Wear rubber boots if working in water for long periods.
- Wear proper eye protection (safety goggles/glasses) whenever breaking rocks.
- Carry a well-stocked first-aid kit.

Before leaving home

- Check all equipment, including tools and camping gear, to ensure that it is in working order and safe to use.
- Check your vehicle to ensure that it is in proper working condition and that adequate supplies of food, water, fuel and spares are on board.
- Advise someone of your plans (including when you expect to return) and contact numbers.
- Check park alerts [\[http://www.npsr.qld.gov.au/park-alerts/\]](http://www.npsr.qld.gov.au/park-alerts/) for the latest information on access, closure and conditions.
- Check the current bushfire situation [\[https://ruralfire.qld.gov.au/map.html\]](https://ruralfire.qld.gov.au/map.html).
- Check weather forecasts [\[http://www.bom.gov.au/\]](http://www.bom.gov.au/) and road conditions [\[http://131940.qld.gov.au/\]](http://131940.qld.gov.au/).
- Carry a mobile phone or other suitable communication equipment to maintain contact or to get help.
- Avoid going out alone.

When fossicking

- Be careful when digging around large boulders because they may roll or move suddenly, causing severe injury.
- Never burrow into or undermine a stream bank or earth face or work under overhanging rocks or earth faces.
- Never dig holes deeper than the permitted depth.

- Use existing roads and tracks only and avoid cross-country driving.
- Beware of noxious weeds such as parthenium that can cause serious allergic reactions.
- When visiting old mining areas beware of open shafts and avoid getting too close, as the surrounding ground may be unstable. Never enter old underground workings.
- Be careful when fossicking on mine dumps, as much of the material is loose and may move without warning.
- Never set a fire to clear grass or undergrowth.
- Don't carry or use firearms or explosives.
- For the safety of others, make safe and refill any excavations before leaving, remove rubbish and bury human waste.

When camping

- Position your camp site well away from any stock watering points.
- Be careful with fire—use gas for cooking or set camp fires in a proper fireplace with a cleared space around it.

In an emergency

- Dial **000** from a telephone or **112** from your mobile phone.

Where you can fossick

Provided you have a fossicking licence [<https://www.qld.gov.au/recreation/activities/areas-facilities/fossicking/licences-permits>] and the **written permission of the landowner**, you may fossick on most land throughout the state.

However, fossicking is not permitted in:

- national parks [<http://www.npsr.qld.gov.au/parks/index.php>], conservation parks and high preservation areas
- nominated waterways of wild river areas
- state forests and timber reserves [<http://www.npsr.qld.gov.au/parks/index.php>], except in the declared fossicking areas or general permission areas (see below)
- other areas declared by regulation (these will be signposted).

If in doubt, check with the local mining registrar [<http://www.dnrm.qld.gov.au/our-department/contact-us/mines-lodgement-offices>].

Unoccupied land

No permission is required to fossick on unoccupied land, unless there has been a determination of native title.

Road reserves

No special permission is required to fossick on road reserves, but fossickers may only collect and not dig.

Private land

You need the landholder's written permission to fossick on private land, except in areas where the landholder has given a general permission to the mining registrar allowing fossicking and camping

(see below). If more than one landholder is involved, all must give permission.

The landholder's permission must be endorsed on or attached to your fossicking licence. The landholder may impose conditions for access, including the payment of fees. Landholders may withdraw permission at any time provided adequate notice is given to remove equipment.

General permission areas

In some areas, landholders have given general permission for fossicking and camping on specific areas of their properties. Fossickers do not require the landholder's permission to fossick in these areas but must abide by any conditions of access and may be required to pay a fee.

Designated fossicking lands and fossicking areas

These areas have been established by the government in cooperation with local governments and landholders. They are signposted and publicised as part of a statewide network to assist the tourism industry. Commercial mining tenures are allowed in fossicking lands but not in fossicking areas.

Other than a fossicking licence, no special permissions or fees apply. Fossickers must not enter any areas held under mining leases and claims without the permission of the lease or claim holder.

Responsibilities of fossickers

The *Fossicking Act 1994* [<https://www.legislation.qld.gov.au/view/html/inforce/current/act-1994-063>] and associated regulations contain requirements for fossickers to maintain safety, hygiene and a high standard of behaviour during their visits.

Landholders should contact the local mining registrar [<http://www.dnrm.qld.gov.au/our-department/contact-us/mines-lodgement-offices>] if unacceptable activities occur.

Infringement notices (on-the-spot fines) and prosecutions may be used to enforce the provisions of the legislation. Breaches may also result in cancellation of licences.

General responsibilities

These responsibilities apply to all fossicking areas.

When fossicking, you **must not**:

- destroy or injure any trees
- clear any vegetation except above an actual excavation
- pollute any watercourse, dam or the like
- create areas likely to erode
- interfere with any livestock, wildlife or property infrastructure (e.g. windmills, bores, pumps, tanks, fences)
- interfere with any heritage or cultural site
- undermine any banks or dig pits to create any tunnels or overhanging sections.

On leaving a site:

- refill all excavations
- remove all camping structures

- bury human waste at least 20cm deep and 20m away from the high bank of any watercourse
- remove all rubbish, unless established bins or pits are in the vicinity
- ensure the site is in a safe, tidy and sanitary condition.

Fossicking in watercourses

Within watercourses, you **must not**:

- excavate within 40m of any bridge, weir or other structure, unless signs indicate otherwise
- excavate on the slopes of banks, or within 3m of the top or toe of banks, where such activities may cause the collapse of the banks
- significantly interrupt or divert the flow of the stream
- cause any significant turbidity more than 300m downstream
- interfere with any trees or shrubs in the watercourse
- erect any structures in the watercourse.

On leaving, refill all excavations and place excess material so as to minimise disturbance to the channel and significant streamflows.

Designated fossicking lands and areas

Within designated fossicking lands and areas you must not:

- erect any permanent or semi-permanent structures
- make any new tracks or roads without approval
- drive on any fossicking land
 - in an unregistered vehicle or without a licence
 - at more than 50km/h
 - off a made track or road
 - in a hazardous or noisy manner
 - in a way that would harm the road surface
- use a weapon, trap or explosive
- operate any generator, radio or other electrical appliance with excessive noise that may annoy other fossickers
- damage any sign or other structure
- light any fire except within a fireplace or a cleared space with a radius of at least 2m
- light a fire if a notice indicates that this is prohibited
- bring any dogs or cats if a notice indicates that this is prohibited
- allow any water supply to run to waste
- fossick, camp or light a fire when instructed not to do so temporarily by a sign or authorised officers.

On leaving a site, you must make all excavations safe for future fossickers, stock and landholders if necessary, as instructed by the authorised officers.

General permission areas

Fossickers must comply with any special conditions of access.

Permitted activities and materials

Your fossicking licence [\[https://www.qld.gov.au/recreation/activities/areas-facilities/fossicking/licences-permits\]](https://www.qld.gov.au/recreation/activities/areas-facilities/fossicking/licences-permits) allows you to search for and collect fossicking materials using hand tools and for

recreational, tourist and educational purposes only.

Permitted tools and extent of diggings

Hand tools such as picks, shovels, hammers, sieves, shakers, electronic detectors and other similar tools can be used. **No machinery is permitted.**

You can collect from the surface or by digging, but you are not permitted to dig below 2m of the natural ground surface of land or below 0.5m in streams. Overhangs and tunnels are not allowed.

On road reserves, no digging is permitted but collection from existing exposures is allowed.

Materials collected

You can collect gemstones, ornamental stones, mineral specimens, alluvial gold (including nuggets) and some fossil specimens, but not meteorites and fossils of vertebrate animals.

Sale and trade of collected material

You can sell the occasional 'lucky find' of a gemstone or sell and trade to hobbyists or through fairs and exhibitions. However, repeated removal for sale through shops or businesses, or as part of making a living, is considered commercial, and requires tenure under the *Mineral Resources Act 1989* [<https://www.legislation.qld.gov.au/view/html/inforce/current/act-1989-110>].

Royalties are payable on fossicking materials that are the property of the Crown, but threshold exemptions of \$100,000 mean that generally most fossickers are not liable.

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[<https://www.qld.gov.au/recreation/activities/areas-facilities/fossicking/rules>]

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